

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTY FIRST DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE M.H.S. ANSARI

and

THE HON'BLE MR JUSTICE T.CH.SURYA RAO

WRIT PETITION NO : 12246 of 2004

Between:

S. Anantha Ramulu, S/o. S. Venkataiah,
Rangareddiguda, Balanagar Mandal,
Mahabubnagar District.

..... PETITIONER

AND

- 1 The Regional Transport Officer, Mahabubnagar.
- 2 The Asst. Motor Vehicles Inspector, Mahabubnagar.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly a Writ of Mandamus declaring the seizure of the petitioners vehicle Tractor and Trailer registration No. ADG 9782 & ADG 9783, seized by the second respondent under vehicle check report No. VCR No. 376982, dt. 18-6-2004, as illegal, improper and without jurisdiction and consequently direct the respondents to release the petitioners vehicle, forth with pending enquiry.

Counsel for the Petitioner: MR.JOHN RAJENDRA PRASAD

Counsel for the Respondent No.: GP FOR TRANSPORT

The Court made the following :

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ORDER:

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(per the Hon'ble Sri Justice M.H.S.Ansari)

Petitioner questions the vehicle Check Report dated 18.6.2004 and sought directions for release of the petitioner's vehicle, pending enquiry.

There can be no dispute that for the alleged violations recorded in the vehicle check report, the authority-respondent No. 1 is competent to conduct an enquiry and pass appropriate orders.

In the circumstances, we are not inclined to go into the contentions raised, pending the said enquiry.

With regard to interim custody of the vehicle, pending enquiry, we find that

already there is an interim order passed on 20.7.2004 directing release of the vehicle on payment of tax.

Therefore, the grievance of the petitioner, as regards the seizure of the vehicle and release thereof, pending enquiry is concerned, the same has been redressed by the said order dated 20.7.2004 passed by this court.

Nothing, in our view, now remains for consideration in the instant Writ Petition. It is open to the petitioner to avail of such remedy, as may be open to him in law, if aggrieved by any final orders that may be passed by the first respondent in the enquiry pending before him.

With the observation as above, Writ Petition stands disposed of. No order as to costs.

M.H.S.ANSARI,J

T.CH. SURYA RAO,J

DATED: 31.01.2005.

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To

- 1 The Regional Transport Officer, Mahabubnagar.
- 2 The Asst. Motor Vehicles Inspector, Mahabubnagar.
3. 2CCs to G.P. for Transport, High Court of A.P Buildings, Hyderabad (OUT)
4. 2.2CD copies